

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE CITY COLLEGE OF SAN FRANCISCO
("City College") LAWRENCE WONG, in his
official capacity as President of the Board of
Trustees, MILTON MARKS, III, in his official
capacity as Vice-President of the Board of
Trustees, DR. NATALIE BERG, JOHNNIE
CARTER, JR., DR. ANITA GRIER, JULIO J.
RAMOS, RODEL E. RODIS, in their official
capacities as members of the Board of
Trustees, and DR. PHILIP R. RAY, JR., in his
official capacity as Chancellor,

Defendants.

No. C 04-04981 WHA

**ORDER RE CLASS COUNSEL
AND RE TRIAL ISSUES**

This order approves James C. Sturdevant and Mark T. Johnson as additional class counsel based on the recently submitted materials. Counsel will be mindful of the need to be efficient. In this regard, it has been the Court's own experience, based on a quarter century of trial work and six years on the bench, that a case of this size can be tried with two lawyers in the courtroom and one paralegal plus one lawyer and one paralegal back at one office, during each trial day. There will be times that more are needed and times that fewer are needed and times

that some of the courtroom personnel can be spared to work back at the office in preparation for upcoming trial events. For purposes of attorney's fees petitions, please be mindful of the foregoing expectations.

Make sure that all time records are kept so as to be assembled later by "project." For each project, there must be a detailed description of the work, giving the date, hours expended, attorney name, and task for each work entry, in chronological order. A "project" means a deposition, a motion, a witness interview, and so forth. It does not mean generalized statements like "trial preparation" or "attended trial." It includes discrete items like "prepare supplemental trial brief on issue X." The following is an example of time collected by a project.

PROJECT: ABC DEPOSITION (2 DAYS IN FRESNO)

Date	Time-keeper	Description	Hours x	Rate =	Fee
01-08-01	XYZ	Assemble and photocopy exhibits for use in deposition	2.0	\$100	\$200
01-09-01	RST	Review evidence and prepare to examine ABC at deposition	4.5	\$200	\$900
01-10-01	XYZ	Research issue of work-product privilege asserted by deponent	1.5	\$100	\$150
01-11-01	RST	Prepare for and take deposition	8.5	\$200	\$1700
01-12-01	RST	Prepare for and take deposition	<u>7.0</u>	\$200	<u>\$1400</u>
Project Total:			<u>23.5</u>		<u>\$4350</u>

The inefficiencies in having two firms involved will have to be dealt with in any fee petition. Mr. Wallace's suggested practice of a "5-10 %" voluntary reduction may (or may not) be enough to constitute "billing judgment."

* * *

Two additional points.

All counsel should be aware that this entire case must be tried within a three-week period. The Court is confident that this can be done if crisp examinations are the norm. The press of other cases awaiting their own trial date does not afford us more time. Plan accordingly.

Finally, if there is any *single* legal issue that *both sides can agree on* for an early disposition (i.e., by early January), then the Court will try to set an expedited briefing schedule. Please confer and let the Court know by Thursday the 15th at noon.

IT IS SO ORDERED.

Dated: December 12, 2005



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE